



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.12.2021

CORAM:

THE HON'BLE MR JUSTICE G.ILANGOVAN

Cr1.OP(MD)No.15958 of 2020

and

Cr1.MP(MD)Nos.7874 & 7877 of 2020

WEB COPY

- 1.Antony Paulsamy
- 2.Shanmugalatha
- 3.Ramesh
- 4.Gunasekaran

... Petitioners/Accused No.1 to 4

vs.

- 1.State Represented by
The Inspector of Police,
Devadanapatti Police Station,
Theni District.
(Crime No.7 of 2011)

... 1st Respondent/Complainant

- 2.Mrs.Poongodi

... 2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to the impugned charge sheet in C.C.No.86 of 2019 on the file of the learned Judicial Magistrate Court, Periyakulam and quash the same as illegal as against the petitioner concerned.

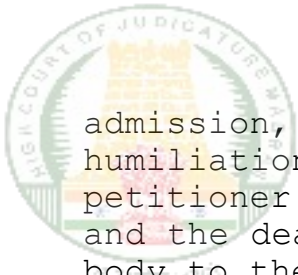
For Petitioners
For R1

: Mr.Henri Thphagne
: Mr.R.Meenakshi Sundaram
Additional Public Prosecutor

O R D E R

This petition is filed seeking quashment of the impugned charge sheet in C.C.No.86 of 2019, on the file of the learned Judicial Magistrate Court, Periyakulam.

2.The case of the prosecution is that the first petitioner is the Secretary and the second petitioner is the Manager of the organization namely, "Reaching the Unreached (RTU). Which is committed to the welfare of the children. There are 936 children including orphan, semi orphan, poor children under full time care. The defacto complainant's deceased daughter namely, Kousalya was studying in 10th standard and staying at the petitioner's residential hostel. The defacto complainant obtained admission for her other children namely, Vaishnavi, Bhuvaneswari and Saravanan, by suppressing her elder daughter's admission. When the matter was brought to the notice of the petitioners, they cancelled the



admission, given to the other children. So, because of the humiliation, the deceased committed suicide in the premises of the petitioner's residential hostel, on 07.09.2010, at about 07.00 a.m and the death was not informed to the police before handing over the body to the defacto complainant.

WEB COPY

3. So, on that ground, these petitioners are facing charges under Section 176 of Cr.P.C. Which was registered on 10.01.2011, on the basis of the complaint given by one Poongodi, who is the mother of the deceased. Originally, the case was registered under Sections 174 (3) and 201 IPC and two persons were arrayed as accused. After completion of investigation, final report was filed before the learned Judicial Magistrate, Periyakulam, on 29.11.2016.

4. The learned counsel for the petitioner would submit that oral information was given to the police. But, that was not taken in to the account. Only because of that, a case has been registered. The only point that has been raised by the learned counsel for the petitioners is that the offence under Section 176 Cr.P.C is punishable only upto 1 month simple imprisonment or fine, which may be extended Rs.500/- or with both.

5. But, however, final report has been filed only much after the period of limitation i.e., 2016. So, according to him, the cognizance taken by the Trial Court is not valid under law. Without going through the other facts, only on the above said ground, this petition is liable to be quashed.

6. Accordingly, the impugned charge sheet in C.C.No.86 of 2019, on the file of the learned Judicial Magistrate Court, Periyakulam, is quashed and the Criminal Original Petition is allowed. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Crl side)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

dss

To

1. The Judicial Magistrate Court,
Periyakulam.

2. The Inspector of Police,
Devadanapatti Police Station,
Theni District.

<https://hcservices.ecourts.gov.in/hcservices/>



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3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.R.KARUNANIDHI, Advocate (SR-39117[F] dated
16/12/2021)

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RK(06/01/2022) 3P/5C